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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			WALLERSON, MARK E	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 42

Application Number: 08/942,415

Filing Date: October 16, 1997

Appellant(s): KURODA ET AL.

MAILED

APR 15 2004

Technology Center 2600

Thomas E. Brown
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/10/2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 1-13 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,078,380	KITAZAWA	1-1992
5,412,490	KOJIMA ETAL	5-1995
5,796,496	ONO	8-1998
0673146A2	SAKAUE	3-1995

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. **Claims 1, 2, 3, 6, 7, 8, 11, and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et. al. (hereinafter referred to as Kojima) (U. S. 5,412,490) in view of Ono (U. S. 5,796,496) and Kitazawa (U. S. 5,078,380).

With respect to claims 1, 6, and 11, Kojima discloses a printing unit provided with an image reading unit comprising a main body (1); a recorded paper discharge tray (21, figure 3) located at the top of the unit; a document sheet supply tray (6) located below the recorded

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paper discharge tray (21); a document sheet outlet tray (7) located below the document sheet supply tray (6); a paper cassette (13) located below the document sheet outlet tray (7); a scanning unit (5) for transporting the document sheet from the document sheet supply tray (6) to the document sheet outlet tray (7); a recording part (image forming unit) (15) that transports the recording sheet from the paper cassette (13) to the recording sheet discharge tray (21), with the paper cassette (13), recorded paper discharge tray (21), document sheet supply (6) and document sheet discharge trays (7) being confined within a width of the device if viewed from the left of figure 3.

Kojima differs from claims 1 and 6 in that although he discloses a paper cassette (13) below the document sheet outlet tray (7), he does not clearly disclose a multi-purpose tray below the document sheet outlet tray, and a recording sheet supply part located below the main body and independent of the multi-purpose tray for holding stacked recording sheets which are supplied one at a time, the recording sheet supply part including a paper cassette which is attachable and detachable from the image recording device.

Ono discloses an image processing system comprising a paper tray (which reads on a multi-purpose tray) (94, figure 1 and column 6, lines 1-2) for holding recording media (column 5, line 66 to column 6, line 2). It is also obvious from figure 1 that a user may be able to load paper sheets directly onto the tray (94). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kojima wherein a multi-purpose tray would be located below the document sheet outlet tray in place of the paper cassette (13). It would have been obvious to one of ordinary skill in the art at the time of the

invention to have modified Kojima by the teaching of Ono in order to improve ease of operation by giving the user better access to the recording sheet tray.

Ono also discloses a recording sheet supply part (104) (comprising paper cassettes 98, 100, and 102, figure 1), provided below the main body (2) (which reads on the cassettes (98, 100, and 102 are removably arranged in a pedestal of the copying machine) (column 6, lines 4-6), which are attachable to and detachable from the image recording device (which reads on removably arranged in the copy machine) (column 6, lines 4-6), the paper cassette(s) capable of being manually loaded (which reads on removably arranged in the copy machine) (column 6, lines 4-6). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kojima wherein a recording paper supply part which is attachable to and detachable from the image recording device would have been installed below a multi-purpose tray. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kojima by the teaching of Ono in order to allow an operator to alternately select different recording sheets as disclosed by Ono in column 6, lines 38-40.

Kojima as modified also differs from claims 1 and 6 in that he does not disclose a base having an upper surface and a multipurpose tray provided on the upper surface of the base.

Kitazawa discloses a copier (figure 1) comprising a base having an upper surface and a multipurpose tray (25) provided on the upper surface of the base (figure 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kojima as modified wherein the copier has a base having an upper surface and a multipurpose tray is provided on the upper surface of the base. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kojima as modified

by the teaching of Kitazawa in order to allow a user to easily feed papers manually onto the tray.

With respect to claims 2 and 7, Kojima discloses the paper cassette (13) (multi-purpose tray) is connected horizontally so that a substantially space is between the paper cassette (13) (multi-purpose tray) and the document sheet outlet tray (7).

With respect to claims 3 and 8, Ono discloses that the recording supply sheet supply part comprises a cassette (column 6, lines 1-20) holding recording sheets in a stacked state (P, figure 1), and the paper cassettes are attachable to and detachable from the image recording device (which reads on removably arranged in the copy machine) (column 6, lines 4-6).

With regard to claim 12, Kojima discloses that the paper cassette (13) (multi-purpose tray) defines the bottom of the recording device (15).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 4, 5, 9, 10, and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima in view of Ono and Kitazawa as applied to claims 1 and 6 above, and further in view of Sakaue (EUR 0 673 146 A2).

Kojima as modified differs from **claims 4, 5, 9, 10, and 13** in that he does not clearly disclose that the operation of the image recording device and paper cassette insertion/removal actions are performed by a user facing at right angles to a document transport direction and a recording sheet transport direction.

Sakaue discloses an image processor in which operation of the image recording device and paper cassette insertion/removal actions are performed by a user facing at right angles to a document transport direction and a recording sheet transport direction (figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the device of Kojima as modified wherein paper cassette insertion/removal actions would be performed by a user facing at right angles to a document transport direction and a recording sheet transport direction. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the device of Kojima as modified in order to achieve ease of use.

(11) Response to Argument

Applicant submits that the cited references, *Kojima*, *Ono*, and *Kitazawa* do not disclose “a main body including a base having an upper surface, and a multipurpose tray formed on said upper surface of said base and below the document sheet outlet tray for holding recording sheets, wherein a user loads said recording sheets directly onto said multi-purpose tray.....the multi-purpose tray being confined within the width of the recording device”. The Examiner disagrees.

Kojima discloses a printing unit comprising a main body (1) which includes a document sheet outlet tray (7). Although *Kojima* discloses a paper cassette (13) located on the base of the printing unit (see figure 1) and below the document sheet outlet tray (7), he does not clearly disclose a multi-purpose tray formed on the upper surface of the base.

Kitazawa discloses a copier comprising a base, (part 15, figures 1 and 3) having an upper surface (the upper surface of part 17b, clearly depicted in figures 1 and 3), and a multipurpose tray (25) formed on the upper surface of the base (again clearly depicted in figures 1 and 3). The multipurpose tray is located in a position such that a user can easily load recording sheets onto the tray.

Applicant's argument that *Kitazawa* fails to disclose a multi-purpose tray formed on an upper surface of the base, since *Kitazawa* explicitly discloses that the manual feeding tray (25) is provided at the right side of the body 21 and not on an upper surface of body 21 (emphasis in the original) is clearly erroneous and a little confusing.

The Examiner agrees that *Kitazawa* does not disclose that the tray (25) is on the upper surface of the body 21. The Examiner has never made this assertion since the upper part of body 21 would be the area represented by part 23 in figure 1. The Examiner has continually asserted that the multi-purpose tray 25 is located on the upper surface of part 17b in figure 1.

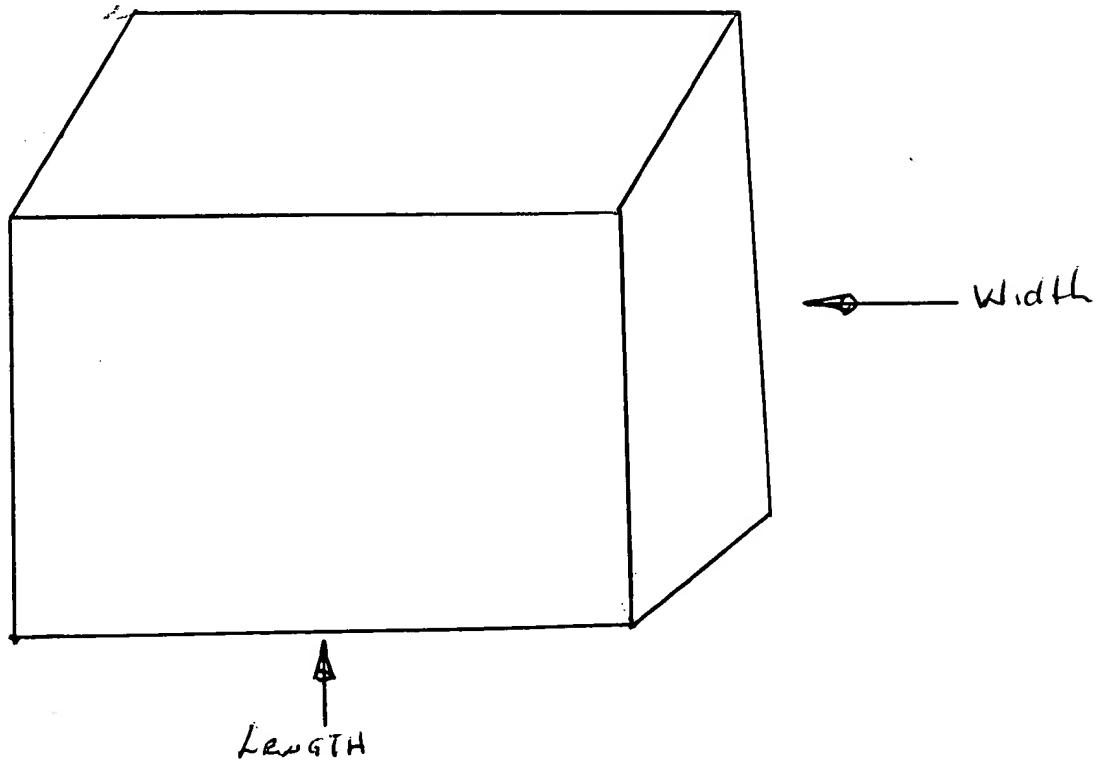
Additionally, Applicant's argument that *Kitazawa* fails to disclose a multi-purpose tray formed on an upper surface of the base, since *Kitazawa* explicitly discloses that the manual feeding tray (25) is provided at the right side of the body 21 is irrelevant since in the instant invention, Applicant's multi-purpose or feeding tray (6) is also on the right side of the main body (1) (see figures 1 and 2 of the instant application).

Applicant also suggests that “figures 1-3 of *Kitazawa* are inconclusive as to whether tray 25 is provided on an upper surface of body 21, and in light of such inconclusiveness, figures 1-3 [of *Kitazawa*] must be interpreted in the light of the specification”. The Examiner notes with interest that Applicant has provided no statute or case law that supports that supposition or conclusion. Again, the Examiner has not asserted that the tray 25 is on an upper surface of the body 21, but on an upper surface of the base of body 21, which reads on the upper surface of part 17b. Nevertheless, Applicant is reminded that references are evaluated, not only for what they expressly teach, but also for what they would fairly suggest to one of ordinary skill in the art (emphasis added). *Electro-Nucleonics, Inc v. Mossinghoff*, 592 F.Supp 608, 612 (1984).

Applicant also argues that, as opposed to *Kitazawa*, the multipurpose tray 6 does not project from the width or lateral sides of the main body. Applicant is arguing subject matter not being claimed. Claims 1 and 6 clearly claim that “the multi-purpose tray [is] confined within the width of the image recording device” (emphasis added). Applicant does not claim that the multi-purpose tray does not project from the lateral sides of the main body.

The Examiner also disagrees with Applicant’s argument that the cited references do not disclose the multi-purpose being confined within the width of the image recording device. The Examiner interprets *Kitazawa* in the following manner: The side that faces the operator (the side that includes the cassettes 19a-d, would be the length of the copier. The sides that include the tray 25 and the tray 27 would be the width of the copier. If an operator is facing the side of the copier that includes the tray 25 or the tray 27 he or she would be facing the width of the

copier. Accordingly, as seen in figures 1 and 3, the multi-purpose tray (25) is certainly confined within the width of the image recording device.

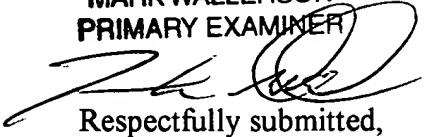


For the above reasons, it is believed that the rejections should be sustained.

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MARK WALLERSON
PRIMARY EXAMINER


Respectfully submitted,

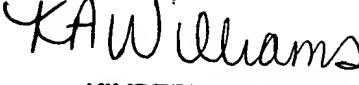
Mark E. Wallerson
Primary Examiner
Art Unit 2626

MEW
April 13, 2004

Conferees

Kimberly Williams, SPE

Gabriel Garcia, Primary Examiner


KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER


GABRIEL GARCIA
PRIMARY EXAMINER

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036